

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1153**

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**Introduced by Assembly Member ~~Audra Strickland~~ Beall**

February 27, 2009

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~~An act relating to emergency services.~~ *An act to add Section 76000.10 to the Government Code, relating to emergency services, and making an appropriation therefor.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, ~~Audra Strickland~~ Beall. ~~Air ambulance providers.~~ *Emergency air medical transportation providers: penalty levy: reimbursement augmentation.*

*Existing law requires an additional county penalty of \$7 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, for deposit into specified county funds relating to the construction of courthouses, criminal justice facilities, and forensic laboratories, and the support of emergency medical services.*

*Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions.*

*This bill, which is to be known as the Emergency Air Medical Transportation Act, would levy an additional penalty of \$3 upon every fine, penalty, or forfeiture imposed and collected by the courts for all offenses involving a vehicle violation, except certain parking offenses, in each county. This bill would require each county board of supervisors*

*to establish in the county treasury an emergency air medical transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill would require, on the last day of each calendar quarter of the year, the county treasurer to transfer moneys in the county's emergency air medical transportation act fund to the Controller for credit to the Emergency Air Medical Transportation Act Fund, which is created by the bill. This fund would be continuously appropriated to the department and be administered by the department solely for the purposes of augmenting Medi-Cal reimbursement paid to emergency air medical transportation services providers.*

*The bill would require the department to use the moneys in the Emergency Air Medical Transportation Act Fund and federal matching funds to increase the Medi-Cal reimbursement or supplemental payments for emergency air medical transportation services in an amount not to exceed normal and customary charges charged by the emergency air ambulance transportation services provider.*

*By requiring counties to create emergency air medical transportation act funds and then deposit the levy imposed by this bill into those funds, this bill would create a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law authorizes each county to develop an emergency medical services program and requires each county developing a program to designate a local emergency services agency for the purposes of administering and overseeing local emergency medical services in that county. Existing law also authorizes an emergency medical care committee to be established in each county with duties that include reviewing the operations of ambulance and other emergency medical services in the county.~~

~~This bill would state the intent of the Legislature to enact legislation that would relate to air ambulance providers.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 76000.10 is added to the Government*  
2     *Code, to read:*

3     76000.10. (a) *This section shall be known, and may be cited,*  
4     *as the Emergency Air Medical Transportation Act.*

5     (b) *For the purpose of implementing this section, there shall be*  
6     *levied an additional penalty of three dollars (\$3) in each county*  
7     *that shall be collected together with, and in the same manner as,*  
8     *the amounts established by Section 1464 of the Penal Code, upon*  
9     *every fine, penalty, or forfeiture imposed and collected by the*  
10    *courts for all offenses involving a violation of the Vehicle Code*  
11    *or a local ordinance adopted pursuant to the Vehicle Code, except*  
12    *parking offenses subject to Article 3 (commencing with Section*  
13    *40200) of Chapter 1 of Division 17 of the Vehicle Code. These*  
14    *moneys shall be taken from fines and forfeitures deposited with*  
15    *the county treasurer prior to any division pursuant to Section 1463*  
16    *of the Penal Code. The county board of supervisors shall establish*  
17    *in the county treasury an emergency air medical transportation*  
18    *act fund into which shall be deposited the moneys collected*  
19    *pursuant to this section.*

20    (c) (1) *Moneys in each county's fund, including interest and*  
21    *dividends earned thereon, shall be held by the county treasurer*  
22    *separate from funds subject to transfer or division pursuant to*  
23    *Section 1463 of the Penal Code.*

24    (2) *On the last day of each calendar quarter of the year, the*  
25    *county treasurer shall transfer moneys in the county's emergency*  
26    *air medical transportation act fund to the Controller for credit to*  
27    *the Emergency Air Medical Transportation Act Fund, which is*  
28    *hereby established in the State Treasury. Notwithstanding Section*  
29    *16305.7, the Emergency Air Medical Transportation Act Fund*  
30    *shall include interest and dividends earned on money in the fund.*

31    (3) *The Emergency Air Medical Transportation Act Fund shall*  
32    *be administered by the State Department of Health Care Services.*  
33    *Notwithstanding Section 13340, moneys in the Emergency Air*  
34    *Medical Transportation Act Fund are continuously appropriated,*  
35    *without regard to fiscal year, to the department to augment*  
36    *emergency air medical transportation reimbursement payments*  
37    *made through the Medi-Cal program.*

1     (4) *The department shall seek to obtain federal matching funds*  
2 *by using the moneys in the Emergency Air Medical Transportation*  
3 *Act Fund for the purpose of augmenting Medi-Cal reimbursement*  
4 *paid to emergency air medical transportation services providers.*

5     (5) *The department shall use the moneys in the Emergency Air*  
6 *Medical Transportation Act Fund and federal matching funds to*  
7 *increase the Medi-Cal reimbursement or supplemental payments*  
8 *for emergency air medical transportation services in an amount*  
9 *not to exceed normal and customary charges charged by the*  
10 *emergency air ambulance transportation services provider.*

11     SEC. 2. *If the Commission on State Mandates determines that*  
12 *this act contains costs mandated by the state, reimbursement to*  
13 *local agencies and school districts for those costs shall be made*  
14 *pursuant to Part 7 (commencing with Section 17500) of Division*  
15 *4 of Title 2 of the Government Code.*

16     ~~SECTION 1. It is the intent of the Legislature to enact~~  
17 ~~legislation that would relate to air ambulance providers.~~